

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STAINLESS SALES, INC.,

Plaintiff,

Civil Action No.
03-CV-70133-DT

vs.

HON. BERNARD A. FRIEDMAN

EVERGREEN AMERICA CORP., et al.,

Defendants.

**OPINION AND ORDER ACCEPTING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION OF MARCH 22, 2006**

This matter is presently before the Court on nine Motions for Summary Judgment. On March 22, 2006, Magistrate Judge Virginia Morgan issued a Report and Recommendation regarding the Motions. Three of the parties involved—World Logistics, Stainless Sales, and See-Sped—objected to certain findings in the Magistrate Judge's Report and Recommendation. Evergreen and World Logistics filed Responses to those Objections.

As required by Federal Rule of Civil Procedure 72(b), the Court reviews this matter *de novo*. After having made such a review of the record established and documentary evidence presented, the Court shall accept and adopt the Magistrate Judge's recommendations. Accordingly,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation of March 22, 2006, is accepted and adopted by this Court.

IT IS FURTHER ORDERED that the Objections to the Magistrate Judge's Report and Recommendation are overruled.

IT IS FURTHER ORDERED that World Logistics' Motion for Summary Judgment against Evergreen America and Evergreen Marine is denied.

IT IS FURTHER ORDERED that Evergreen's Motion for Partial Summary Judgment against World Logistics is granted.

IT IS FURTHER ORDERED that Eastways' Motion for Summary Judgment against all parties is denied.

IT IS FURTHER ORDERED that See-Sped's Motion for Summary Judgment against Evergreen America and Evergreen Marine is denied.

IT IS FURTHER ORDERED that Stainless Sales' Motion for Summary Judgment against World Logistics is denied.

IT IS FURTHER ORDERED that Stainless Sales' Motion for Summary Judgment against Evergreen is denied.

IT IS FURTHER ORDERED that Evergreen/BNSF's Motion for Partial

Summary Judgment against Stainless Sales is granted.

IT IS FURTHER ORDERED that Stainless Sales' Motion for Summary Judgment against See-Sped is denied.

IT IS FURTHER ORDERED that World Logistics' Cross Motion for Summary Judgment against Stainless Sales is granted.

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: May 15, 2006
Detroit, Michigan